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ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAMARIS CRUZ, individually and on behalf of all others similarly situated, Case No.: C 07-05688 SC

Plaintiff,
v.

MRS RECEIVABLES CORP.; MIDLAND
CREDIT MANAGEMENT, INC.; A.
SYRAN, an individual,

Defendants.

**DECLARATION OF DAMARIS CRUZ IN
SUPPORT OF PLAINTIFF'S CROSS-
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date: March 21, 2008
Time: 10:00 a.m.
Dept: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

I, Damaris Cruz, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. § 1746, that the following statements are true and correct:

1. Sometime in August, 2001, I obtained a credit card that was co-branded with Union Privilege and HSBC, a consumer finance company.

2. The credit card was issued with account number 5480420011470257.

3. I used the card to purchase consumer goods and services for my personal and household needs.

4. A year or so after the card was issued, I incurred financial problems and was unable to pay my obligations to HSBC.

5. When my account became delinquent, I believe HSBC advised me that they would submit a negative credit report to the credit bureau.

6. In reviewing my credit report, attached hereto as Exhibit A, HSBC reported the

1 account as charged off as of June 2002 to April 2003.

2 7. The credit report, Exhibit A, dated February 8, 2008, was received by me from the
3 Experian credit reporting company, after I requested the report pursuant to federal law.

4 8. The credit report also shows that the account was "purchased by another lender."
5 I believe that reference to another lender is reference to MRC Receivables Corp.

6 9. My belief that Defendant MRC Receivables purchased the account is based on my
7 review of Exhibit A to the complaint, dated April 11, 2000, which shows Union Privilege as the
8 original creditor with the same card number as the one issued to me. Similarly, I believe Exhibit
9 E to the Complaint, dated July 4, 2007, references Union Privilege as the original creditor, with
10 the same account number as at Exhibit A. Likewise, I note that Exhibit C to the Complaint
11 references Union Privilege. Though it does not show an account number, the amount alleged to
12 be owed and the Union Privilege reference make me believe Exhibit C references the same
13 account as Exhibits A and E.

14 10. All of these exhibits, at the reverse side, state:

15 As required by law, you are hereby notified that a negative credit
16 report reflecting on your credit record may be submitted to a credit-
reporting agency if you fail to fulfill the terms of your credit
obligations.

17 I believe this is the same or similar statement that was on the HSBC letter sent to me when I was
18 having financial problems.

19 11. The credit report, Exhibit B, dated February 8, 2008, was received by me from the
20 TransUnion credit reporting company, after I requested the report pursuant to federal law.

21 12. Statements by Defendant Midland Credit Management, Inc. ("Midland"), that a
22 negative credit report might be submitted was false for the following reasons, as shown by the
23 TransUnion report shown as Exhibit B:

24 A. Defendant Midland acquired the accounts in October, 2004.

25 B. Defendant Midland shows the account as "Pay Status: Collection
26 Account."

27 C. Defendant Midland shows the account as "Past Due: \$1,898.00."

1 I declare under penalty of perjury that the foregoing statements are true and correct.

2
3 Dated: 2/25/08
4 at San Francisco, CA

/s/
Damaris Cruz

EXHIBIT A



Prepared for
DAMARIS R CRUZ
Report number
1794696314

Report date
February 08, 2008
www.experian.com/disputes
Call 1 800 509 8495

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Potentially negative items or items for further review continued

HSBC BANK PO BOX 5253 CAROL STREAM IL 60197 No phone number available Partial account number 548042001147....	<i>Date opened</i> Aug 2001 <i>Reported since</i> Jun 2002	<i>Date of status</i> Apr 2003 <i>Last reported</i> Apr 2003	<i>Type</i> Revolving <i>Terms</i> NA <i>Monthly payment</i> NA	<i>Responsibility</i> Individual	<i>Credit limit or original amount</i> NA <i>High balance</i> \$1,437	<i>Recent balance</i> NA	Status: Transferred,closed/Account charged off. Account history: Charge Off as of Jun 2002 to Apr 2003 Creditor's statement: "Purchased by another lender."
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EXHIBIT B



Consumer Credit Report for DAMARIUS CRUZ

File Number: 183233537
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Date Issued: 02/08/2008**MIDLAND CREDIT MGMT INC #8508203573**875 AERO DR STE 200
SAN DIEGO, CA 92123
(800) 265-8825Balance: \$1,898
Date Updated: 01/2008
Original Amount: \$1,437
Original Creditor: UNION PRIVILE
Past Due: >\$1,898<Pay Status: >COLLECTION ACCOUNT<
Account Type: OPEN ACCOUNT
Responsibility: INDIVIDUAL ACCOUNTLoan Type: FACTORING COMPANY ACCOUNT
Remarks: ACCT INFO DISPUTED BY CONSUMR
Date placed for collection: 10/2004
Estimated date that this item will be removed: 11/2008